

House Transportation Committee

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2469*

House Bill No. 2492

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-50-311(a). Any person who is fifteen (15) years of age or older, who has successfully passed the standard written test and visual examination for applicants of a state automotive license, and who has the written approval of such person's parent or legal guardian may be issued a learner's permit by the department of safety. A learner's permit shall permit such person to operate an automobile whenever such person is accompanied by a parent, stepparent, grandparent, step-grandparent, legal guardian or certified driving instructor, who is at least twenty-one (21) years of age and is licensed to operate an automobile. A person with a learner's permit shall not operate a motor vehicle from 10:00 p.m. to 6:00 a.m.

(b) A person may be issued an intermediate level I driver license if such person is sixteen (16) years or older and has:

(1) had a learner's permit for not less than one hundred eighty (180) days or has been licensed to drive in another state for at least ninety (90) days;

(2) not incurred a moving violation resulting in a conviction or been involved in an accident for which the official police report indicates a moving violation on the part of the person during the one hundred eighty (180) day period immediately preceding application. If the department receives notification of a

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01302658

House Transportation Committee

AMENDMENT NO. _____

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Time _____

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House Bill No. 2492

conviction or involvement in an accident after issuing a level I license, the driver shall be ineligible to receive a level II license for an additional one hundred eighty (180) days from the time such driver would otherwise be eligible to obtain such license;

(3) not incurred a conviction or adjudication of a drug, alcohol, safety belt, or other driver-related, safety-related offense;

(4) presented certification by such person's parent, stepparent, grandparent, step-grandparent, legal guardian or a certified driving instructor that such person has accumulated not less than fifty (50) hours of behind-the-wheel experience of which not less than ten (10) hours shall be at night; and

(5) successfully demonstrated such person's ability to exercise ordinary and reasonable control in the operation of an automobile.

(c) The department of safety shall promulgate certificates to be completed by a parent, stepparent, grandparent, step-grandparent, legal guardian or certified driving instructor pursuant to subsection (b)(4). For the purposes of issuing an intermediate level I driver license the department of safety shall only accept certificates promulgated by the department for this purpose.

(d)(1) A person issued an intermediate level I driver license shall not operate a motor vehicle from 11:00 p.m. to 6:00 a.m. unless accompanied by a parent or legal guardian, a licensed driver over the age of twenty-one (21) designated by the parent or legal guardian, or except when going to or from employment or from a sanctioned school activity or event. The

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013026

01302658

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House Bill No. 2492

person who signs the minor's permit application pursuant to Section 55-50-312(a)(1) shall be fully responsible and liable for any property damage and personal injury which are the results of the actions of such minor while operating a motor vehicle.

(2) In addition to the provisions of subdivision (1), a person issued an intermediate level I driver license shall not operate a motor vehicle with more than one (1) passenger in such motor vehicle unless one (1) or more of the passengers are twenty-one (21) years or older. Limits on the number of passengers pursuant to this subdivision shall not apply if all passengers present in the motor vehicle reside in the same household.

(3) Upon conviction for a moving violation, a motor vehicle accident in which a person with an intermediate level I driver license is at fault, or a second safety belt violation pursuant to Section 3 of this act, the driver shall be ineligible to receive an intermediate level II license for an additional period of one hundred eighty (180) days. If the department receives notification of such conviction after issuing an intermediate level II license, the driver shall be ineligible to receive an unrestricted license for an additional one hundred eighty (180) days from the time such driver would otherwise be eligible to obtain such license.

(e)(1) An applicant who is seventeen (17) years or older may be issued an intermediate level II license if, in addition to meeting all of the other requirements of this chapter, the applicant has possessed an intermediate level I license for one hundred eighty (180) days prior to the issuance of an intermediate level II license, or satisfactorily completed a driver education course offered by a public or private school, public institution of higher learning, or a commercial driver training school, which operates under chapter 19 of this title, or has been licensed to drive

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013026

01302658

House Transportation Committee

AMENDMENT NO. _____

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AMEND Senate Bill No. 2469*

House Bill No. 2492

in another state for at least ninety (90) days. The department shall not issue an intermediate level II driver license to an applicant who has failed to complete twelve (12) consecutive months without a moving violation, has been in an accident in which such person received a moving violation, or has received a license suspension. The person who signs the minor's permit application pursuant to Section 55-50-312(a)(1) shall be fully responsible and liable for any property damage and personal injury which are the results of the actions of such minor while operating a motor vehicle. Except as provided in subdivision (2), a person issued an intermediate level II driver license shall retain such license until such person reaches the age of eighteen (18) and applies for and receives an unrestricted license. A person with an intermediate level II driver license shall not operate a motor vehicle from 12:00 midnight to 6:00 a.m., unless accompanied by a parent or legal guardian, a licensed driver over the age of twenty-one (21) designated by the parent or legal guardian, or except when going to or from employment or from a sanctioned school activity or event.

(2) Upon conviction for a moving violation, a motor vehicle accident in which a person with an intermediate level II driver license is at fault, or a second safety belt violation pursuant to Section 3 of this act, the driver shall be ineligible to receive an unrestricted license for an additional period of one hundred eighty (180) days from the time such driver would otherwise be eligible to obtain such license.

(3) Upon a second conviction for a moving violation, a person shall complete a certified driver education course before such person is eligible to obtain a driver license.

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013026

01302658

House Transportation Committee

AMENDMENT NO. _____

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Date _____

Time _____

Clerk _____

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AMEND Senate Bill No. 2469*

House Bill No. 2492

(4) For the purpose of determining the date of a moving violation or a safety belt violation, the date of the conviction or the receipt of a plea of guilty shall be used.

(f) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of any provision of this section.

(g) A law enforcement officer shall have reasonable suspicion that a driver is violating the provisions of this section before such law enforcement officer is authorized to stop a driver for the purpose of determining compliance with this section.

SECTION 2. The court in which a conviction is entered for a moving violation, a motor vehicle accident, or a second safety belt violation pursuant to Section 3 of this act shall send notification of such conviction to the designated parent or legal guardian of a person with a learner's permit or intermediate driver license.

SECTION 3. Tennessee Code Annotated, Section 55-9-603, is amended by adding the following as a new subsection thereto:

() (1) Notwithstanding the provisions of subsection (b), no person with a learner's permit or an intermediate level driver license shall operate a passenger motor vehicle in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion. The provisions of this subdivision shall not apply if all safety belts in the passenger motor vehicle are in use.

(2) Notwithstanding the provisions of subsection (f), a law enforcement officer shall not be required to stop a person with a learner's permit or intermediate driver

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013026

01302658

House Transportation Committee

AMENDMENT NO. _____

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Time _____

Clerk _____

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AMEND Senate Bill No. 2469*

House Bill No. 2492

license for a separate violation of law before issuing a citation or warrant for arrest for a violation of this section.

(3) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of any provision of this subsection.

SECTION 4. The photo identification license issued to persons with an intermediate level driver license shall be laminated and shall have a distinctive color code which details the restrictions upon such intermediate level driver license. Such distinctive color code shall be as follows:

(1) Level I driver license - amber; and

(2) Level II driver license - green.

SECTION 5. The commissioner shall determine the costs of designing, manufacturing and issuing driver licenses pursuant to this act and shall set the fees for the issuance of such driver licenses in such amount to ensure that the fiscal impact of the issuance of such licenses is minimal.

SECTION 6. The commissioner shall, upon receiving an accident report of an accident occurring in this state which has resulted in death, and upon determining there is a reasonable possibility of a judgment, adjudication or conviction against an operator who has a graduated driver license, revoke the license of the operator and shall issue to such operator a learner's permit. Such operator shall retain a learner's permit until the operator reaches the age of eighteen (18). Upon reaching the age of eighteen (18) a driver can apply for an unrestricted driver license.

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013026

01302658

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House Bill No. 2492

SECTION 7. Tennessee Code Annotated, Section 55-50-312(a), is amended by deleting subdivision (3) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 55-50-321(a), is amended by adding the language ", intermediate driver license," between the language "instruction permit" and the language "and photo identification".

SECTION 9. This act shall take effect January 1, 1999, the public welfare requiring it. Any person who has a learner's permit or a driver license upon the effective date of this act shall not be subject to the provisions of this act. Any person who has a hardship license shall be subject to the provisions of this act unless such person is fifteen (15) years old upon the effective date of this act.

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